

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH, WILDLIFE AND PARKS**

**Call to Order:** By **CHAIRMAN JOE BALYEAT**, on February 18, 2003 at 2:57 P.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Joe Balyeat, Chairman (R)  
Rep. George Golie, Vice Chairman (D)  
Rep. Michael Lange, Vice Chairman (R)  
Rep. Debby Barrett (R)  
Rep. Paul Clark (D)  
Rep. Jill Cohenour (D)  
Rep. George Everett (R)  
Rep. Tom Facey (D)  
Rep. Daniel Fuchs (R)  
Rep. Steven Gallus (D)  
Rep. Carol Gibson (D)  
Rep. Gail Gutsche (D)  
Rep. Larry Jent (D)  
Rep. Bob Lake (R)  
Rep. Don Roberts (R)  
Rep. Allen Rome (R)  
Rep. Scott Sales (R)  
Rep. Jim Shockley (R)  
Rep. Pat Wagman (R)  
Rep. Sandy Weiss (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Kathleen Ely, Committee Secretary  
Doug Sternberg, Legislative Branch

**Video-taped Committee:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society. THE TIME STAMP REPRESENTS ELAPSED TIME.

**Committee Business Summary:**

Hearing & Date Posted: HB 486, 1/31/03; HB 485, 1/31/03;  
HB 612, 2/13/03  
Executive Action: HB 42, DO PASS AS AMENDED, 11-9  
HB 221, TABLED  
HB 227, TABLED  
HB 283, DO PASS AS AMENDED, 16-4  
HB 352, POSTPONED UNTIL 2/20/03  
HB 407, DO PASS, 14-6  
HB 411, DO PASS AS AMENDED, 18-2  
HB 439, TABLED  
HB 465, DO PASS AS AMENDED, 15-5  
HB 466, TABLED  
HB 485, TABLED

**HEARING ON HB 486**

**Opening Statement by Sponsor:**

03:00 REP. KAUFMANN, HD 53 -- Short Title: Prohibit game or  
carcass importation from areas with CWD.

**Proponents' Testimony:**

07:00 Robert Throssell, Montana Wildlife Federation  
08:00 Charlie Johnson, Montana Bowhunters Association  
11:00 Sara McCullough, Montana Audubon Society  
11:00 Jeff Hagener, Department of Fish, Wildlife and Parks  
**EXHIBIT (fih36a01)**  
13:00 Aart Dolman  
**EXHIBIT (fih36a02)**  
18:00 Stan Frazier, Helena Hunters and Anglers Association

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

20:00

**Closing by Sponsor:**

24:00

**HEARING ON HB 485**

**Opening Statement by Sponsor:**

03:00 REP. RYAN, HD 41 -- Short Title: Allow use of  
muzzleloader firearms for hunting certain animals.

**Proponents' Testimony:**

28:00 Stan Frazier

**Opponents' Testimony:**

28:00 Greg Munther, Montana Bowhunters Association

**EXHIBIT**(fih36a03)

**Informational Testimony:**

32:00 Jeff Hagener, Department of Fish, Wildlife and Parks

**EXHIBIT**(fih36a04)

**Questions from Committee Members and Responses:**

35:00

**Closing by Sponsor:**

41:00

**HEARING ON HB 612**

**Opening Statement by Sponsor:**

43:00 **REP. CLARK, HD 72 -- Short Title:** Management of black bears that damage beehives.

**Proponents' Testimony:**

45:00 Greg Munther, Montana Bowhunters Association

46:00 Sara McCullough, Montana Audubon Society

46:00 Bill Orsello

**Opponents' Testimony:**

47:00 Jeff Hagener, Department of Fish, Wildlife and Parks

**EXHIBIT**(fih36a05)

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

50:00

**EXHIBIT**(fih36a06)

**Closing by Sponsor:**

54:00

**EXECUTIVE ACTION ON HB 485**

**Motion:** **REP. GALLUS** moved that **HB 485 DO PASS.**

**Substitute Motion/Vote:** **REP. LAKE** made a substitute motion that **HB 485 BE TABLED. Substitute motion carried 18-2 with REPS.**

**BARRETT** and **GALLUS** voting no by voice vote.

**EXECUTIVE ACTION ON HB 283**

**Motion:** REP. FUCHS moved that HB 283 DO PASS.

**Motion:** REP. FUCHS moved that HB 283 BE AMENDED (HB028301.ads).  
**EXHIBIT**(fih36a07)

**Discussion:**

1:02:00

**Vote:** Motion carried unanimously by voice vote.

**Motion:** REP. FUCHS moved that HB 283 DO PASS AS AMENDED.

**Discussion:**

1:13:00

**Vote:** Motion carried 16-4 with REPS. COHENOUR, FACEY, GUTSCHE,  
and JENT voting no by roll call vote.

**EXECUTIVE ACTION ON HB 227**

**Motion:** REP. SHOCKLEY moved that HB 227 DO PASS.

**Discussion:**

1:32:00

**Motion/Vote:** REP. SHOCKLEY moved that HB 227 BE AMENDED. Motion  
carried 13-7 with REPS. COHENOUR, FACEY, GALLUS, GIBSON, GOLIE,  
GUTSCHE, and WEISS voting no by voice vote.

**Motion:** REP. SHOCKLEY moved that SB 227 DO PASS AS AMENDED.

**Motion:** REP. SHOCKLEY moved that HB 227 BE AMENDED  
(HB22705.ads).

**Discussion:**

1:41:00

**Motion:** REP. CLARK moved to segregate Amendment 13 of  
HB22705.ads for HB 227.

**Substitute Motion/Vote:** REP. CLARK made a substitute motion that HB 227 BE TABLED. Substitute motion failed 10-10 with REPS. CLARK, COHENOUR, FACEY, FUCHS, GALLUS, GIBSON, GOLIE, GUTSCHE, JENT, and WEISS voting aye by roll call vote.

**Discussion:**

1:51:00

**Motion/Vote:** REP. CLARK moved to AMEND HB 227 by striking Amendment 13 of HB22705.ads. Motion carried 11-9 with REPS. CLARK, COHENOUR, FACEY, GALLUS, GIBSON, GOLIE, GUTSCHE, JENT, and WEISS voting no by roll call vote.

**Motion/Vote:** REP. CLARK moved that HB 227 BE AMENDED to strike revise Amendment 13 to strike 4b, 4c, 4d, and subsections 6 and 7. Motion carried 11-9 with REPS. BARRETT, COHENOUR, GIBSON, GOLIE, GUTSCHE, JENT, ROBERTS, WAGMAN, and WEISS voting no.

**Motion/Vote:** REP. SALES moved that HB 227 BE TABLED. Motion carried 11-9 with REPS. BALYEAT, BARRETT, EVERETT, LAKE, LANGE, ROBERTS, ROME, SHOCKLEY, and WAGMAN voting no by roll call vote.

5:14 Break

5:19 Resume

**EXECUTIVE ACTION ON HB 407**

**Motion:** REP. GUTSCHE moved that HB 407 DO PASS.

**Discussion:**

2:25:00

**Vote:** Motion carried 14-6 with REPS. BARRETT, COHENOUR, GOLIE, JENT, ROBERTS, and SALES voting no by roll call vote.

**EXECUTIVE ACTION ON HB 465**

**Motion:** REP. CLARK moved that HB 465 DO PASS.

**Motion:** REP. CLARK moved that HB 465 BE AMENDED.

**EXHIBIT**(fih36a08)

**Vote:** Motion carried 15-5 with REPS. COHENOUR, FACEY, GIBSON, GOLIE, and JENT voting no by voice vote.

**Discussion:**

2:44:00

**Vote:** Motion carried 15-5 with REPS. COHENOUR, FACEY, GIBSON, GOLIE, and JENT voting no by roll call vote.

5:52 p.m. Break

5:57 p.m. Resume

**EXECUTIVE ACTION ON HB 466**

**Motion:** REP. CLARK moved that HB 466 DO PASS.

**Motion/Vote:** REP. CLARK moved that HB 466 BE AMENDED. Motion carried 12-8 with REPS. BARRETT, COHENOUR, GIBSON, GOLIE, JENT, LAKE, ROBERTS, and ROME voting no by roll call vote.

**EXHIBIT**(fih36a09)

**Discussion:**

3:03:00

**Motion/Vote:** REP. CLARK moved that HB 466 DO PASS AS AMENDED. Motion failed 5-15 with REPS. CLARK, FUCHS, GUTSCHE, SALES, and WAGMAN voting aye by roll call vote.

**Motion/Vote:** CHAIRMAN BALLYEAT moved that the failed vote on HB 466 be reversed and the bill TABLED. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 221**

**Motion:** REP. SHOCKLEY moved that HB 221 DO PASS.

**Motion/Vote:** REP. JENT moved HB 221 BE TABLED. Motion carried 16-4 with REPS. GALLUS, GIBSON, GOLIE, and GUTSCHE voting no by voice vote.

**EXECUTIVE ACTION ON HB 439**

**Motion:** REP. CLARK moved that HB 439 DO PASS.

**Motion/Vote:** REP. FACEY moved that HB BE AMENDED to strike "the following" in line 10 and lines 14-24. Motion failed 3-17 with REPS. FACEY, JENT, and ROBERTS voting aye by roll call vote.

**Motion/Vote:** REP. SALES moved that HB 439 BE TABLED. Motion carried 19-1 with REP. CLARK voting no by voice vote.

EXECUTIVE ACTION ON HB 352

Motion: REP. FACEY moved that HB 352 DO PASS.

Motion/Vote: REP. BALYEAT moved that HB 352 BE AMENDED. Motion carried 18-2 with REPS. FACEY and GUTSCHE voting no by voice vote.

**EXHIBIT**(fih36a10)

Motion: REP. GOLIE moved that HB 352 DO PASS AS AMENDED.

Substitute Motion: REP. SALES moved that HB 352 BE AMENDED CONCEPTUALLY.

Substitute Motion: REP. GALLUS made a substitute motion that HB 352 BE AMENDED CONCEPTUALLY.

Motion/Vote: REP. LANGE moved that HB 352 BE POSTPONED. Motion carried 14-6 with REPS. CLARK, COHENOUR, FACEY, GOLIE, GUTSCHE, and WEISS voting no by roll call vote.

EXECUTIVE ACTION ON HB 42

Motion: REP. BARRETT moved that HB 42 DO PASS.

Motion/Vote: REP. BARRETT moved that HB 42 BE AMENDED. Motion carried 18-2 with REPS. GUTSCHE and JENT voting no by voice vote.  
**EXHIBIT**(fih36a11)

Motion: REP. BARRETT moved that HB 42 DO PASS AS AMENDED.

Substitute Motion: REP. BARRETT moved that HB 42 BE AMENDED.  
**EXHIBIT**(fih36a12)

Motion: REP. FACEY moved TO SEGREGATE SECTION 5 OF EXHIBIT 12 FOR HB 42.

Vote: Motion that HB 42 be amended to include Sections 1-4 of Exhibit 12 carried unanimously 20-0 by voice vote.

Motion: REP. BARRETT moved that HB 42 DO PASS AS AMENDED.

Motion: REP. BARRETT moved that HB 42 BE AMENDED (Section 5 of Exhibit 12).

Substitute Motion/Vote: REP. FACEY made a substitute motion that HB 42 BE AMENDED. Substitute motion carried 19-1 with REP. CLARK voting no by voice vote.

**Motion:** REP. ROME moved that HB 42 DO PASS AS AMENDED.

**Discussion:**

3:50:00

**Vote:** Motion passed 11-9 with REPS. CLARK, COHENOUR, FACEY, GALLUS, GIBSON, GOLIE, GUTSCHE, JENT, and WEISS voting aye by roll call vote.

7:24 p.m. Break

7:32 p.m. Return

**EXECUTIVE ACTION ON HB 411**

**Motion:** REP. GALLUS moved that HB 411 DO PASS.

**Motion/Vote:** REP. GALLUS moved that HB 411 BE AMENDED. Motion carried unanimously by voice vote.

**Motion:** REP. GALLUS moved that HB 411 DO PASS AS AMENDED.

**Motion/Vote:** REP. GALLUS moved HB 411 BE AMENDED. Motion carried 19-1 with REP. CLARK voting no by voice vote.

**EXHIBIT**(fih36a13)

**Motion:** REP. GALLUS moved that HB 411 DO PASS AS AMENDED.

**Motion/Vote:** REP. GALLUS moved that HB 411 BE AMENDED. Motion passed 12-8 with REPS. BARRETT, CLARK, EVERETT, LAKE, LANGE, SALES, WAGMAN, and WEISS voting no by roll call vote.

**EXHIBIT**(fih36a14)

**Discussion:**

3:44:00

**Motion/Vote:** REP. GALLUS moved that HB 411 DO PASS AS AMENDED. Motion carried 18-2 with REPS. CLARK and GUTSCHE voting no by voice vote.

**ADJOURNMENT**

Adjournment: 8:03 P.M.

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REP. JOE BALYEAT, Chairman

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KATHLEEN ELY, Secretary

JB/KE

**EXHIBIT (fih36aad)**